

Regarding the §103 rejection, the Office Action recognizes that Castro fails to disclose the claimed active agents useful for treating greasy skin set forth in claim 1. To compensate for this critical deficiency, the Office Action asserts that one skilled in the art would have been motivated to combine Sebillotte-Arnaud with Castro to yield the claimed invention by using Sebillotte-Arnaud's active agents in Castro's compositions. However, contrary to the Office Action's assertions, no motivation to combine Sebillotte-Arnaud with Castro would have existed, for at least the following reasons.

Castro discloses fiber-containing compositions. Castro's fibers are present in an oil carrier. (Col. 4, line 19 et seq.). Castro generically suggests adding oil-soluble active agents to his compositions, but not water-soluble active agents. (Col. 6, line 37). Moreover, Castro's example contains 41.55% water as well as surfactants such as laureth-7, cetyl dimethicone copolyol and dimethicone copolyol, meaning that the exemplified composition would be an emulsion. Thus, Castro discloses compositions (emulsions) in which fibers and "active agents" (if present) are in the oil phase.

Sebillotte-Arnaud states that the purpose of his invention is to provide a stable active agent-containing composition. Sebillotte-Arnaud notes that problems exist with conventional active agent-containing compositions such as emulsions, stating that "it is often difficult, indeed even impossible, to incorporate certain active agents such as kojic acid, caffeic acid, salicylic acid ..." into conventional cosmetic compositions. (Col. 1, lines 25-34). Sebillotte-Arnaud's solution to this problem is a gel composition -- not a conventional composition such as an emulsion-- containing a large amount of hydrophilic solvent such as an alcohol or a polyol. (Col. 2, lines 29-33; col. 3, lines 56-58). These active agent-containing gel compositions are stable.

In view of Castro's and Sebillotte-Arnaud's disclosures, one skilled in the art would not have been motivated to use Sebillotte-Arnaud's active agents in Castro's compositions because no expectation would exist that the resulting active agent-containing composition would be stable. Specifically, based on Sebillotte-Arnaud's disclosure (which indicates that his active agents are stable in his gel compositions but not in conventional compositions such as emulsions), one skilled in the art would not expect Sebillotte-Arnaud's active agents to be stable in Castro's non-gel compositions and, thus, would not be motivated to attempt to use these active agents in Castro's compositions.

Because no motivation would have existed to combine Sebillotte-Arnaud with Castro, the §103 rejection is improper and should be withdrawn. This is particularly true for all claims requiring the presence of both fibers and an active agent for treating greasy skin (claims 1-20, 35, 36 and 43-45), and especially true for claims specifically directed to emulsions (see, e.g., claim 12).

Moreover, the §103 rejection is improper because neither Castro nor Sebillotte-Arnaud disclose or suggest using a composition containing a light-scattering effective amount of fibers, wherein the composition has a covering index of greater than 0.1, to change the appearance of skin. Castro's compositions contain substantially less fiber (from about 0.005 to about 1.0%, preferably 0.01 to 0.5% — see, col. 4, lines 6-10) than the preferred compositions of the present invention. (See, e.g., the examples in the present application). Given this substantial discrepancy in fiber concentration, no basis exists to conclude that: (1) Castro's compositions, in which fibers wick and/or evaporate liquid away from skin, provide the same light-scattering effect to change the appearance of the skin as the compositions of the present invention, which are exemplified by compositions containing much more fiber than Castro's compositions; and/or (2) Castro's compositions possess a

covering index of greater than 0.1, particularly in view of the present application's example 1 which discloses compositions containing 0%, 6% and 8% fiber having covering indices of 0.0517, 0.1328, and 0.2101, respectively.

Sebillotte-Arnaud, which is cited merely for its disclosure of certain active agents, does not compensate for Castro's deficiencies.

For this reason as well the claimed invention is patentable, and the rejection under 35 U.S.C. § 103 should be withdrawn.

The present application is in condition for allowance. Early and favorable consideration is earnestly solicited.

Respectfully submitted,

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21. (Twice Amended) A method for changing the appearance of skin, the method comprising applying to the skin a composition comprising a light scattering effective amount of fibers in a physiologically acceptable medium, wherein the composition has a covering index of greater than 0.1.

Claim 33 (Canceled)

Claims 46-47 (New)